

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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JEAN LEE, Individually and On Behalf of All	:	Case No. 1:20-cv-01830-LDH-JO
Others Similarly Situated,	:	
	:	Judge LaShann DeArcy Hall
Plaintiff,	:	
	:	Magistrate Judge James Orenstein
v.	:	
	:	<u>CLASS ACTION</u>
IQIYI, INC., YU GONG, and XIAODONG	:	
WANG,	:	
	:	
Defendants.	:	
_____	x	

**MOTION OF RONALD L. HERSHBERGER AND ROBERT J. GEREIGE, MD
FOR APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF
SELECTION OF CO-LEAD COUNSEL**

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that, on a date and at a time to be designated by the Court, proposed Lead Plaintiff Ronald L. Hershberger and Robert J. Gereige, MD (together, “Hershberger & Gereige”) will respectfully move this Court, pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), for the entry of an Order: (i) appointing Hershberger & Gereige as Lead Plaintiff; (ii) approving Hershberger & Gereige’s selection of Labaton Sucharow LLP (“Labaton Sucharow”) and The Rosen Law Firm, P.A. (“Rosen Law”) as Co-Lead Counsel for the Class; and (iii) granting such other and further relief as the Court may deem just and proper.¹

This Motion is made on the grounds that Hershberger & Gereige are the “most adequate plaintiff” under the PSLRA and should therefore be appointed Lead Plaintiff. Hershberger & Gereige also otherwise satisfy the requirements of Rule 23 of the Federal Rules of Civil Procedure because their claims are typical of other Class members’ claims, and because Hershberger & Gereige will fairly and adequately represent the Class.

This Motion is based upon the accompanying Memorandum of Law, the concurrently filed Declaration of Francis P. McConville, the pleadings and other filings herein, and such other written or oral argument as may be permitted by the Court.²

¹ Hershberger & Gereige respectfully note that they are concurrently filing a substantively identical motion in the related case captioned *Jenkins v. iQIYI, Inc.*, No. 20-cv-02882 (N.D. Cal.) (the “*Jenkins Action*”), pending in the United States District Court for the Northern District of California. In addition to pleading claims under Sections 10(b) and 20(a) of the Exchange Act, unlike the above-captioned action the *Jenkins Action* also pleads claims under Sections 11 and 15 of the Securities Act of 1933.

² Counsel for Norman is aware of this Court’s rule which requests as a courtesy that motion-related papers are not to be filed until the entire motion is fully briefed. *See* Local Rule III.B.2. However, the PSLRA requires any class member, regardless of whether they filed a complaint, to file a motion no

(continued ...)

WHEREFORE, Hershberger & Gereige respectfully requests that the Court grant their motion and enter an Order: (i) appointing Hershberger & Gereige as Lead Plaintiff; (ii) approving Hershberger & Gereige's selection of Labaton Sucharow and Rosen Law as Co-Lead Counsel for the Class; and (iii) granting such other and further relief as the Court may deem just and proper.

DATED: June 15, 2020

Respectfully submitted,

/s/ Francis P. McConville

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*Attorneys for Proposed Lead Plaintiff
Ronald L. Hershberger and Robert J.*

(... continued)

later than 60 days after publication of the notice. 15 U.S.C. §78u-4(a)(3)(A). The notice in this case was published on April 16, 2020, and all motions are statutorily due by June 15, 2020. Accordingly, to comply with the PSLRA, counsel respectfully requests waiver of your Honor's request in this narrow instance.

*Gereige, MD and Proposed Co-Lead
Counsel for the Class*

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2020, a true and correct copy of the foregoing document was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/ Francis P. McConville